

UTILITIES DIVISION[199]

Adopted and Filed

Rule making related to equipment distribution program

The Utilities Board hereby amends Chapter 37, “Equipment Distribution Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 476.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 477C.

Purpose and Summary

The Board conducted a comprehensive review of its administrative rules in accordance with Iowa Code section 17A.7(2) and initiated this rule making to identify and update provisions in Chapter 37 that are outdated or otherwise inconsistent or incompatible with statutes, rules, or current Board practices. The Board is adopting these amendments to update income eligibility figures, to update the application process and the eligibility requirements, and to make other nonsubstantive changes.

On September 20, 2022, the Board issued an order commencing this rule making. The order is available on the Board’s electronic filing system, efs.iowa.gov, under Docket No. RMU-2022-0037.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 19, 2022, as **ARC 6596C**. A public hearing was held on December 16, 2022, at 9 a.m. in the Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa.

The Office of the Consumer Advocate (OCA), a division of the Iowa Department of Justice, attended the hearing and stated it supported all the proposed changes, except that it took no position on the proposed amendment to subrule 37.4(8). Deaf Services Unlimited also attended, stating it supported all the proposed amendments.

During the written comment period, the Board received one written comment from the OCA, which mirrored the position it expressed at the public hearing.

No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on February 3, 2023.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

No waiver provision is included in the proposed amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in this chapter.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 12, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend rule 199—37.1(477C) as follows:

199—37.1(477C) Purpose. This chapter describes the board's program established pursuant to Iowa Code section 477C.4 to secure, finance, and distribute telecommunications devices ~~for the deaf~~. The board's equipment distribution program serves eligible individuals who are deaf or ~~hard-of-hearing~~ hard-of-hearing or who have difficulty with speech.

The equipment distribution program will be limited by revenue considerations and annual budget amounts set by the board, with the advice of the dual party relay council established in Iowa Code section 477C.5. Before submitting a proposed annual budget to the board, the board's equipment distribution program project manager shall provide the council with the proposed budget for the council's review and discussion at a council meeting. The project manager will advise the board of any council recommendations regarding the proposed budget. When the budgeted amounts for a period are committed or expended, no further vouchers for equipment will be issued until the next period when the board budgets additional amounts.

ITEM 2. Amend rule 199—37.4(477C), introductory paragraph, as follows:

199—37.4(477C) Application process and eligibility. Applications will be processed in queue as determined by the program administrator. No person will be entitled to equipment at a particular time merely because that person meets the eligibility requirements. Additional vouchers will not be issued during a period if unpaid vouchers are outstanding for the remaining funds budgeted for the period. To be eligible to receive a voucher for equipment under the program, a person must satisfy the following requirements. By signing the application form or otherwise averring to the accuracy of the information contained in the application, an applicant or the applicant's power of attorney certifies that the information provided therein is true.

ITEM 3. Amend subrules 37.4(6) to 37.4(8) as follows:

37.4(6) An applicant's gross annual family income must be equal to or less than ~~\$65,000~~ \$76,000 for a family of two. Family sizes above or below two will increase or decrease that amount in ~~\$9,000~~ \$10,000 increments per family member change.

37.4(7) The applicant will be limited to a voucher for one type of equipment or equipment package. ~~If there are individuals in the same household who have different communication impairments that require different types of equipment, the individuals may make a joint request or separate requests to the program administrator. The program administrator may grant those portions of the requests that satisfy the eligibility requirements in this rule.~~

37.4(8) Reapplication. Prior voucher recipients may reapply through the program to replace existing equipment or to obtain new equipment, as appropriate. Reapplication will be limited by a ~~five-year~~ three-year waiting period. The reapplication period may be shortened by the board's equipment distribution program project manager in an individual case for good cause shown. At the time of reapplication for equipment, it is not necessary for the applicant's need for the equipment to

be reverified by an appropriate professional. The program administrator shall verify that the applicant reapplying for equipment previously qualified for and continues to qualify for a voucher.

[Filed 2/6/23, effective 4/12/23]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/8/23.